

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**NORFOLK SOUTHERN
RAILWAY COMPANY,**

Plaintiff,

V.

**EAGLE ENVIRONMENTAL &
CONSTRUCTION and GERALD
SHMAVONIAN SURETY CORP.**

Defendants.

• • • • •

CIVIL ACTION

NO. 1:18-cv-00468-TWT

CHARGING ORDER

Having granted Plaintiff's Motion for Charging Order [Docs. 31; 42] against the membership interest of Defendant Eagle Environmental & Construction in 395 Whitehall, LLC, the Court finds that on November 8, 2018, Plaintiff recovered in this case a Judgment against Defendant in the amount of \$1,199,128.63, plus continuing post-judgment interest on the entire principle amount at the legal rate per year from its due date until paid; that the Judgment has become final; that the Judgment has not been satisfied; that pursuant to O.C.G.A. § 14-11-504(a), Plaintiff is entitled as a matter of statutory right to a Charging Order against any interest of Defendant Eagle Environmental & Construction in any limited liability company in

which it may be engaged; and that Defendant Eagle Environmental & Construction appears to be a member of 395 Whitehall, LLC, IT IS

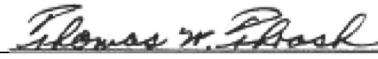
ORDER, ADJUDGED AND DECREED by this Court that:

- (i) This Charging Order be entered against the membership interest of Defendant Eagle Environmental & Construction in 395 Whitehall, LLC, in such amount as to satisfy the underlying Judgment, plus the continuing post-judgment interest until the time of full satisfaction of said Judgment;
- (ii) Defendant Eagle Environmental & Construction and 395 Whitehall, LLC, file with this Court and serve the Plaintiff within fourteen (14) days of the entry of this Charging Order a statement under oath showing any monies or property now due or which may become due or distributable to Defendant Eagle Environmental & Construction by reason of its interest in 395 Whitehall, LLC, and/or any other interest in 395 Whitehall, LLC, which Defendant Eagle Environmental & Construction owns;
- (iii) Defendant Eagle Environmental & Construction and 395 Whitehall, LLC, file with this Court and serve the Plaintiff a quarterly written report of such monies or property as may become distributable to

Defendant Eagle Environmental & Construction by reason of its interest in 395 Whitehall, LLC, and/or any other interest in 395 Whitehall, LLC, which Defendant Eagle Environmental & Construction owns;

- (iv) Defendant Eagle Environmental & Construction and 395 Whitehall, LLC, file with this Court and serve the Plaintiff within fourteen (14) days of entry of this Charging Order a copy of the articles of organization of 395 Whitehall, LLC, and any other agreement controlling the membership interest of its members, including Defendant Eagle Environmental & Construction, together with true evidence of the amount of the capital and income accounts attributable to the interest of Defendant Eagle Environmental & Construction in 395 Whitehall, LLC, and/or any other interest in 395 Whitehall, LLC, which Defendant Eagle Environmental & Construction owns; and
- (v) This Court enter any and all other orders necessary for the protection of Plaintiff's right to recover on its Judgment and Fi. Fa. against Defendant in accordance with this Charging Order.

SO ORDERED, this 11 day of September, 2020.

A handwritten signature in cursive script, reading "Thomas W. Thrash", positioned above a horizontal line.

THOMAS W. THRASH
United States District Judge
Northern District of Georgia

*Norfolk Southern Railway Company v. Eagle Environmental & Construction and
Gerald Shmavonian Surety Corp.*

United States District Court, Northern District of Georgia, Atlanta Division
Civil Action No. 1:18-cv-00468-TWT